

Assembly Bill No. 7

CHAPTER 689

An act to add Sections 13007 and 13008 to the Fish and Game Code, relating to sport fishing.

[Approved by Governor October 7, 2005. Filed with
Secretary of State October 7, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 7, Cogdill. Sport fishing: license revenues: fish hatcheries and inland fisheries.

Under existing law, all moneys collected under the provisions of the Fish and Game Code are deposited into the Fish and Game Preservation Fund, unless otherwise provided.

Existing law provides that, of the moneys collected from fees for lifetime sportsman's licenses, lifetime hunting licenses, and lifetime sport fishing licenses, \$20 from the initial issuance of each lifetime license is deposited into the Fish and Game Preservation Fund for the costs of hunting and sport fishing programs, and the rest is deposited in the Lifetime License Trust Account within that fund, the principal of which is to be used for investment, except as specified.

This bill instead would provide that, commencing July 1, 2006, 33 ⅓% of the fees derived from the issuance of all sport fishing licenses, with the exception of revenue currently designated for deposit into the Abalone Restoration and Preservation Account be deposited into the Hatchery and Inland Fisheries Fund, which the bill would establish in the State Treasury. The bill would provide that moneys in the fund may be used, upon appropriation by the Legislature, to support programs of the Department of Fish and Game related to the management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout Program, and enforcement activities related thereto, and to support other activities eligible to be funded from revenue generated by sport fishing license fees.

The bill would require the sport fishing license fees collected and subject to appropriation to be used to attain state fish hatchery production goals relating to the release of trout, as specified, to fund regional permanent positions, seasonal aides, and other activities in the Heritage and Wild Trout Program, and to the department to initiate and manage the restoration of naturally indigenous genetic stocks of trout to their original California source watersheds. The bill would authorize the use of funds in the Hatchery and Inland Fisheries Fund to be used for the purpose of obtaining scientifically valid genetic determinations of California native trout stocks.

The bill would also require the department, by July 1, 2008, and biennially thereafter, to report to the Legislature on the implementation of provisions of the bill, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 13007 is added to the Fish and Game Code, to read:

13007. (a) Notwithstanding Section 13001 and paragraph (1) of subdivision (a) of Section 13005, commencing July 1, 2006, 33 $\frac{1}{3}$ percent of all sport fishing license fees, except license fees collected pursuant to Section 7149.8 collected pursuant to Article 3 (commencing with Section 7145) of Chapter 1 of Part 2 of Division 6 shall be deposited into the Hatchery and Inland Fisheries Fund, which is hereby established in the State Treasury. Moneys in the fund may be expended, upon appropriation by the Legislature, to support programs of the Department of Fish and Game related to the management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout Program, and enforcement activities related thereto, and to support other activities eligible to be funded from revenue generated by sport fishing license fees.

(b) The sport fishing license fees collected and subject to appropriation pursuant to subdivision (a) shall be used for the following purposes:

(1) For the department's attainment of the following production goals for state hatcheries, based on the sales of the following types of sport fishing licenses: resident; lifetime; nonresident year; nonresident, 10-day; 2-day; 1-day; and reduced fee.

(A) By July 1, 2007, a minimum of 2.25 pounds of released trout per sport fishing license sold in 2006, 1.75 pounds of which must be of catchable size or larger.

(B) By July 1, 2008, a minimum of 2.5 pounds of released trout per sport fishing license sold in 2007, 2.0 pounds of which must be of catchable size or larger.

(C) By July 1, 2009, and thereafter, a minimum of 2.75 pounds of released trout per sport fishing license sold in 2008, 2.25 pounds of which must be of catchable size or larger.

(D) The department shall attain these goals in compliance with Fish and Game Commission trout policies concerning catchable-sized trout stocking.

(2) To the Heritage and Wild Trout Program, two million dollars (\$2,000,000), which shall be used for permanent positions and seasonal aides in each region of the state as necessary, and other activities necessary to the program.

(A) The funds allocated pursuant to this paragraph shall be used to fund seven new positions for the Heritage and Wild Trout Program.

(B) In addition to the seven new positions specified in subparagraph (A), the department may hire seasonal aides in each region of the state to assist with the operations of the Heritage and Wild Trout Program.

(3) The department shall, by July 1, 2011, ensure that 25 percent of the fish produced by state fish hatcheries are used for the purpose of initiating and managing the restoration of naturally indigenous stocks of trout to their original California source watersheds. This paragraph shall not be construed to prohibit the department from using surplus fish in waters outside of their original California source watersheds. All trout restored pursuant to this paragraph shall be native California trout, as defined in Section 7261. The department shall attain the 25 percent restoration goal of this paragraph according to the following schedule:

(A) By July 1, 2009, 15 percent and at least 4 species, not including the coastal rainbow trout/steelhead.

(B) By July 1, 2010, 20 percent and at least 4 species, not including the coastal rainbow trout/steelhead.

(C) By July 1, 2011, and thereafter, 25 percent and at least 5 species, not including the coastal rainbow trout/steelhead.

(4) The department may hire additional staff for state fish hatcheries, in order to comply with the requirements of this subdivision.

(c) The department may allocate any funds under this section, not necessary to maintain the minimums specified in subparagraphs (1) and (3) of subdivision (b), and after the expenditure in subparagraph (2) of subdivision (b), to the Fish and Game Preservation Fund. The department may utilize federal funds to meet the minimums specified in this subdivision.

(d) A portion of the moneys subject to appropriation pursuant to subdivision (a) may be used for the purpose of obtaining scientifically valid genetic determinations of California native trout stocks, consistent with Theme 1 in the executive summary of the department's Strategic Plan for Trout Management, published November 2003.

(e) The department, by July 1, 2008, and biennially thereafter, shall report back to the fiscal and policy committees in the Legislature on the implementation of these provisions.